

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)**

MARK WINKLE,

Plaintiff,

v.

EDISON LEARNING, INC.,

Defendant.

No.

(Montgomery County Court of
Common Pleas No. 2019 CV 03167)

NOTICE OF REMOVAL

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION (DAYTON)**

PLEASE TAKE NOTICE that Defendant, EdisonLearning, Inc. (“Defendant” or “EdisonLearning”), through its counsel, Fox Rothschild LLP, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

EdisonLearning hereby removes to the Federal District Court for the Southern District of Ohio all claims and causes of action in the civil action entitled Mark Winkle v. Edison Learning, Inc., Docket No. 2019 CV 03167, now pending in the Common Pleas Court of Montgomery County, Ohio, Civil Division (“State Court Action”).

In support of removal, EdisonLearning respectfully states the following:

1. On or about July 9, 2019, Plaintiff Mark Winkle (“Plaintiff”) filed his Verified Complaint with Jury Demand Endorsed Hereon (“Complaint”) in the State Court Action. Plaintiff asserts state causes of action premised on, *inter alia*, racial discrimination and age discrimination.

2. On July 15, 2019, Plaintiff served Defendant’s registered agent with process of the Summons and Complaint. True and correct copies of the Summons and Complaint are attached hereto as Exhibit A.

3. As explained below, this is a civil action over which this Court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1), and is subject to removal to this Court by EdisonLearning pursuant to 28 U.S.C. § 1441 because (i) there is complete diversity of citizenship between Plaintiff and EdisonLearning, and (ii) the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

4. Upon information and belief, at the time the Complaint was filed, Plaintiff was a citizen of the State of Ohio for purposes of diversity jurisdiction, “a resident of Montgomery County Ohio.” (Ex. A, Compl. at ¶ 2).

5. EdisonLearning is, and was at the time the Complaint was filed, a Delaware corporation that has a principal place of business in Fort Lauderdale, Florida.

6. As such, Plaintiff is diverse from EdisonLearning.

7. Moreover, the amount in controversy exceeds \$75,000, exclusive of interest and costs. (*See* Ex. A, Compl. “WHEREFORE” clause).

8. As required by 28 U.S.C. § 1446(d), EdisonLearning will provide written notice to Plaintiff of removal of this action to Federal Court.

9. As required by 28 U.S.C. § 1446(d), EdisonLearning will file a copy of this Notice of Removal with the Clerk of the Common Pleas Court of Montgomery County, Ohio.

10. This pleading is signed by counsel, and the factual assertions made herein are made pursuant to Fed. R. Civ. P. 11.

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Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: August 13, 2019

By: /s/ Colin D. Dougherty
Colin D. Dougherty (Trial Attorney)
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*Counsel to Defendant,
EdisonLearning, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2019, a true and correct copy of the foregoing Notice of Removal was served via email and United States mail, first class, postage prepaid, upon the following:

David M. Duwel
130 West Second Street, Suite 2101
Dayton, OH 45402
david@duwellaw.com
*Attorney for Plaintiff,
Mark Winkle*

Dated: August 13, 2019

By: /s/ Colin D. Dougherty
Colin D. Dougherty